

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: May 13, 2005
	)	
Benedict Aspero	)	DOCKET NO.: 04F-087
Management Analyst (Former)	)	
Department of Consumer & Regulatory	)	
Affairs	)	
149 S Street, NW	)	
Washington, DC 20001	)	

**ORDER**

This matter came before the Office of Campaign Finance (OCF) based upon respondent's motion for reconsideration (Motion) of the Order of the Director issued on April 27, 2005. On April 27, 2005, the Director entered an Order in this matter which imposed a fine of \$500.00 for failure to timely file a Financial Disclosure Statement on or before June 21, 2004 for calendar year 2003. On May 3, 2005, respondent filed the Motion.

**Summary of Evidence**

In the Motion, respondent stated that in April 2003, his primary residence moved from 3130 Wisconsin Avenue, NW, #413, Washington, DC to 149 S Street, NW, Washington, DC. Respondent further stated that he informed the Human Resources Office of the Department of Consumer & Regulatory Affairs (DCRA) and the Office of Personnel of such change of address. Respondent stated that on or around July 14, 2004, he was informed by DCRA's General Counsel's office that his financial disclosure filing was delinquent. Having received no communications from the Office of Campaign Finance, respondent filed the required report with OCF on July 15, 2004.

**Findings of Fact**

1. Respondent changed his address of record with his former agency on or around April 2003.
2. Respondent did not receive notices to file from OCF due to an incorrect address of record.
3. Respondent filed the required report on July 15, 2004.

4. Respondent is currently in compliance with the statute.

**Conclusions of Law**

1. Pursuant to the Order, In the Matter of: Benedict Aspero, a fine in the amount of \$500.00 was imposed upon respondent herein.
2. In accordance with 3DCMR §3711.5 (1999), respondent appealed this matter.
3. Respondent violated D.C. Official Code § 1-1106.02.
4. For good cause shown, pursuant to 3DCMR §3711.6, the Director of Campaign Finance may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for the filing delinquency, in that OCF's address of record was incorrect, constitutes good cause for suspension of the fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

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**Date**

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**Jean Scott Diggs**  
**Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine in this matter be hereby suspended.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order, by regular mail, on respondent on May 13, 2005.

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**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.